

Tobacco Use Prevention Among Youth: Implications of New Federal E-cigarette Regulations

NC Courts Commission

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Agenda

- Epidemic of E-cigarette Use and Health Impacts
- Summary of Recommended Interventions per Surgeon General's Advisory
- New Federal Law on Tobacco 21 and FDA Regulation on Flavors
- Implications of New Federal Regulations in North Carolina
- Questions

The Health Consequences of Smoking—50 Years of Progress

A Report of the Surgeon General



U.S. Department of Health and Human Services

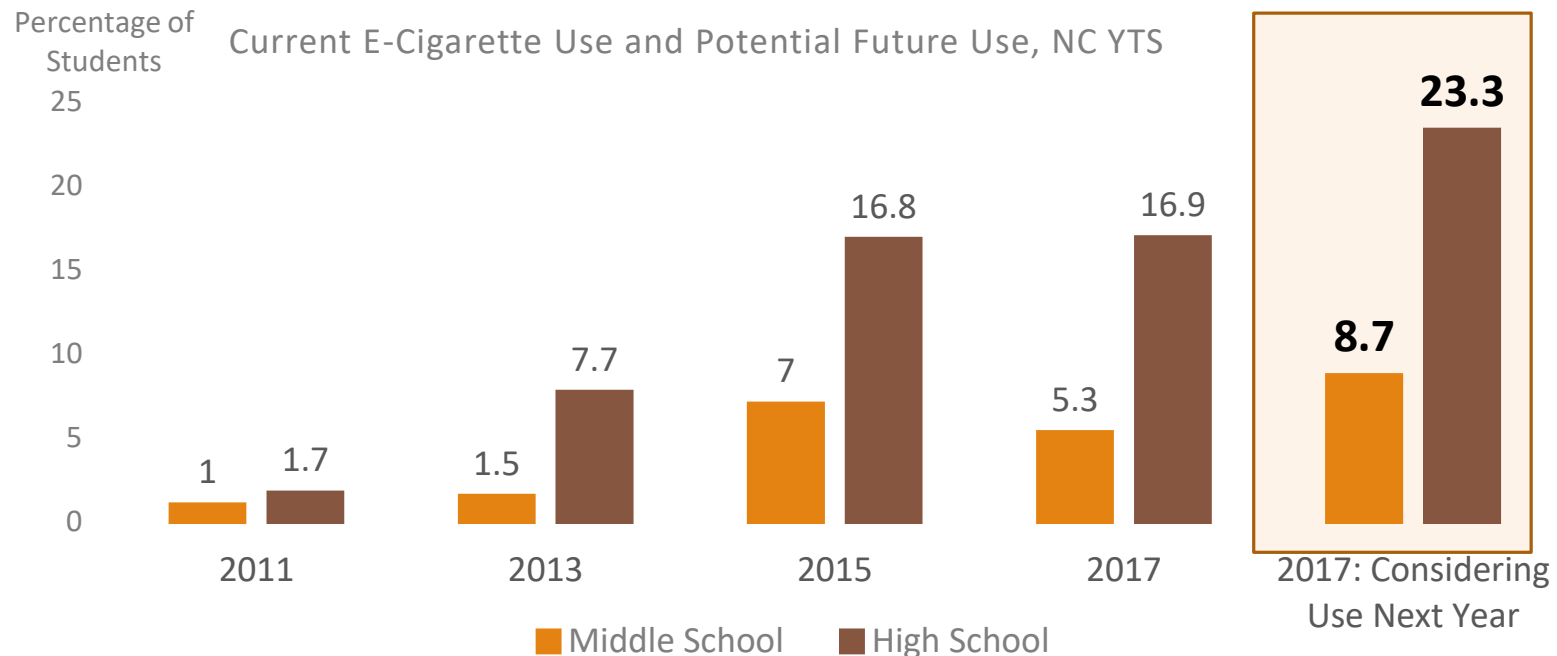
90%
of tobacco users
start before the
age of 18

Between 2011-2017 Current Youth Use of E-Cigarettes Increased:

430% ↑
Middle School

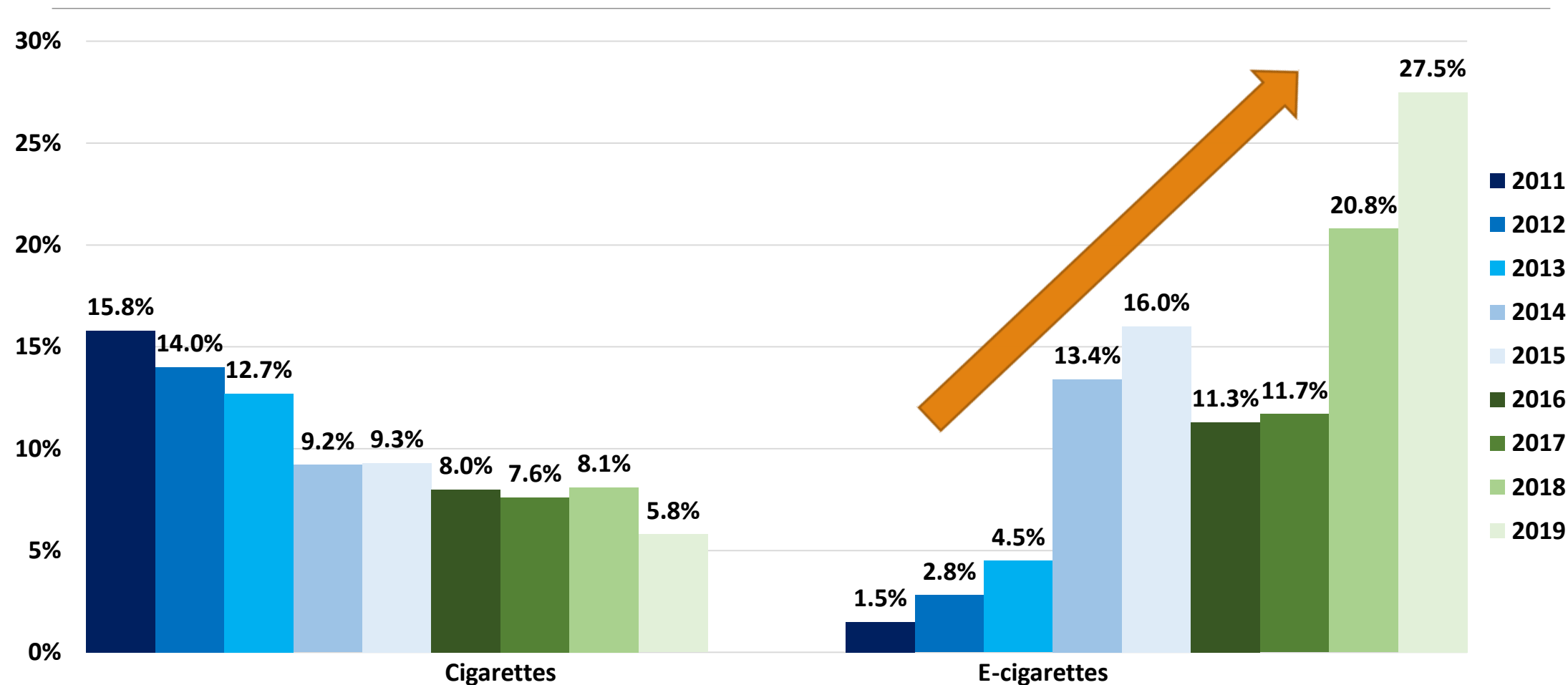
894% ↑
High School

In 2017 more students said they were considering using e-cigarettes in the next year than currently used them



Use of cigarettes has declined...but reversed by increase in e-cigarette use

Percent of US high school students who reported cigarette or e-cigarette use in the past 30 days



Types of E-Cigarettes



Disposables



Rechargeable –
Replacement Cartridges



Rechargeable –
Refillable



Mods



USB-Style

Image Source: Wake Forest Baptist Health; ecigaretteb2c.com

JUUL Popular Among Youth

- Resembles a flash drive
- Each pre-filled pod is equal to about 1 pack of cigarettes.
- Previously marketed in several flavors
e.g. Mango, Fruit, Crème

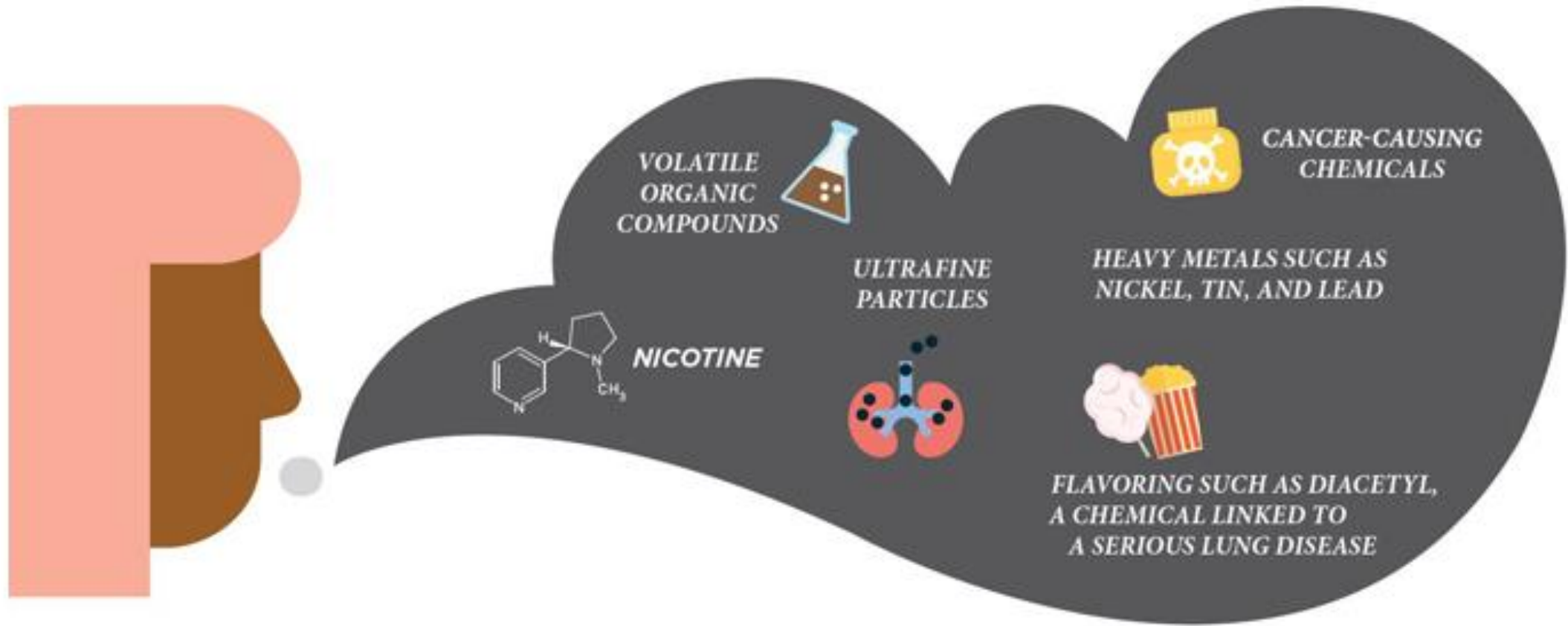


Advertising and flavors entice youth to start using e-cigarettes.

The nicotine hooks them.



It's an Aerosol, Not a Vapor



Nicotine Poses Unique Dangers to the Developing Human

Nicotine is toxic to developing fetuses and impairs fetal brain and lung development

Poisonings occur among users via ingestion of nicotine liquid, absorption through skin, and inhalation

Nicotine use while adolescent brain is developing can disrupt brain circuit formation

And associated with combustible tobacco use as well



E-cigarette, or Vaping, Product Use—Associated Lung Injury (EVALI) : National Investigation

- As of January 21, 2,711 hospitalized cases have been reported from 50 states, the U.S. Virgin Islands, and Puerto Rico
- Patients in this investigation have reported the following:
 - respiratory symptoms (cough, shortness of breath, chest pain)
 - gastrointestinal symptoms (nausea, vomiting, abdominal pain, diarrhea)
 - non-specific symptoms (fever, chills, weight loss)
- 60 deaths have been reported in 27 states
- All patients have reported e-cigarette use or vaping
- 66% are male; 76% are under 35; 15% are under 18;
- [Recent Analysis from CDC shows that:](#)
 - 82% reported using THC-containing products (33% exclusive use).
 - 57% reported using nicotine-containing products (14% exclusive use).
- **Vitamin E acetate strongly linked to the EVALI outbreak, but evidence is not sufficient to rule out the contribution of other chemicals of concern.**

E-cigarette, or Vaping, Product Use–Associated Lung Injury (EVALI) : N.C. Investigation

- 76 NC cases (58 confirmed and 18 probable case patients as of 1/28/19)
 - Age range 13–72
 - Majority male and young adults
 - Most patients have been hospitalized and require respiratory support

CDC Recommends Regardless of the ongoing investigation:

- CDC and FDA recommend that people not use THC-containing e-cigarette, or vaping, products, particularly from informal sources like friends, family, or in-person or online dealers.
- Youth and young adults should not use e-cigarette or vaping products.
- Vitamin E acetate should not be added to any e-cigarette, or vaping, products.
- Women who are pregnant should not use e-cigarette or vaping products.
- Adults who do not currently use tobacco products should not start using e-cigarette or vaping products.

How to Keep Up with the Latest Information?

National Investigation:

MMWR about the Multi-State Outbreak:

<https://www.cdc.gov/mmwr/volumes/68/wr/pdfs/mm6839e1-H.pdf>

CDC: www.cdc.gov/lunginjury

North Carolina Investigation:

Case Counts updated weekly at:

<https://www.tobaccopreventionandcontrol.ncdhhs.gov/ecigs>

Recommended Interventions

per US Surgeon General Advisory

[get the facts](#)[know the risks](#)[take action](#)[about](#)[resources](#)

THE FACTS

on e-cigarette use among
youth and young adults

[Download Surgeon General Advisory](#)[A Message from the Office of the U.S. Surgeon General.](#)[Listen to the Audio PSA](#)[Audio PSA transcript](#)[Share this page](#)

U.S. Surgeon General Advisory Recommendations

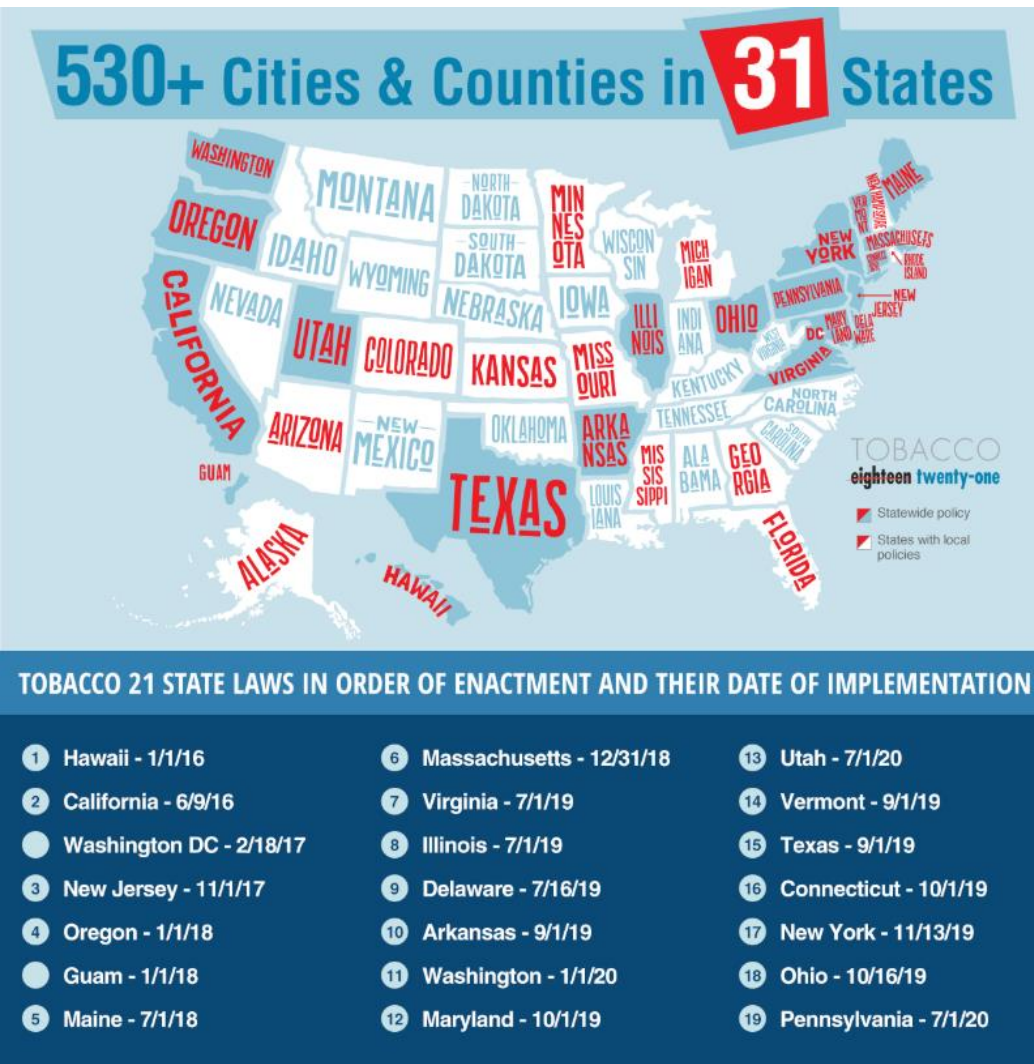
- Include e-cigarettes in smoke-free indoor air policies
- **Restrict young peoples' access to e-cigarettes in retail settings (e.g. Tobacco 21)**
- **License retailers**
- Implement price policies (e.g. tax)
- Develop educational initiatives targeting young people (e.g. media campaigns and schools)
- Implement strategies to curb advertising and marketing that are appealing to young people
- **Implement strategies to reduce access to flavored tobacco products by young people**
- Help treat adults and youth with nicotine addiction

Benefits of Increasing the Sale Age

- Delay the age when people first use tobacco and reduce risk of becoming a regular tobacco user
- Help keep tobacco out of schools
- Younger adolescents would have a harder time passing themselves off as 21-year-olds
- Simplify ID checks for retailers

Sources: Institute of Medicine Report, 2015 and Campaign for Tobacco-free Kids, 2019

Tobacco 21 Policies



- Congress raises the age of tobacco sales to age 21
- Applies to the sale not the possession
- Does not require states to enact new T21 law
- Provides time for states to plan for effective T21 law change and license NC retailers

Tobacco Retailer Licensing

- Enables identification of businesses selling tobacco to consumers
- Helps prevent sales to underage youth
- Retailers selling tobacco products must comply with relevant laws or risk losing the privilege of selling these products.

Current NC Implications: Federal T21

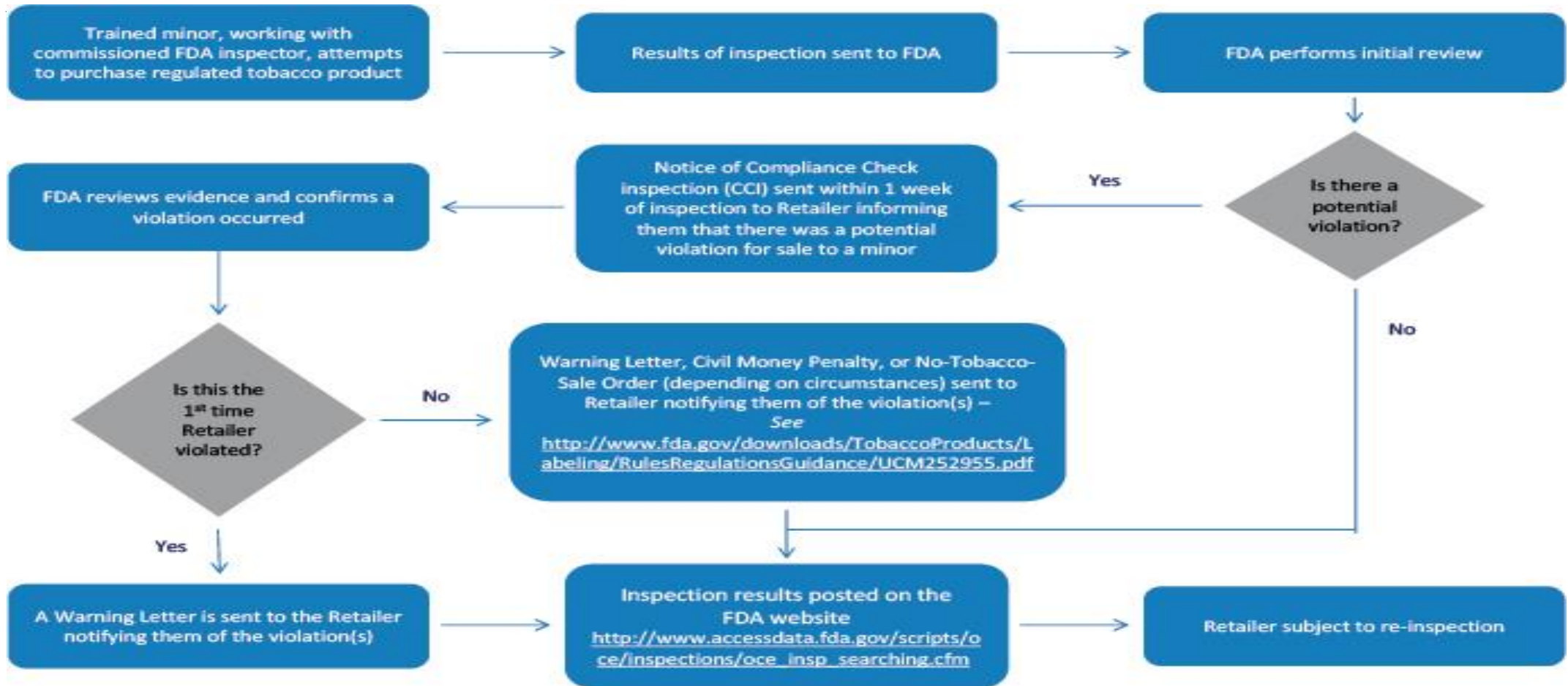


DHHS holds the tobacco compliance check contract with the FDA, but does not issue sanctions. Paperwork is submitted to FDA who issues warnings and violations to retailers (not clerks)



ALE currently enforces the state statute (18) and has no authority to issue citations for minors aged 18, 19 or 20 for purchasing tobacco products

FDA Undercover Buy (Compliance Checks) Process



Current NC Implications: Federal T21

FDA

- Impacts Retailers (not clerks) with a warning, series of fines over time. Contains no military exemption
- Uses minors ages 16-17 until (and unless) protocols change
- Signage, outreach, education/training need to be updated by the Federal FDA
- Timeline for compliance: Up to 180 days

SYNAR

- Serves as the measurement tool for the NC retail violation rate (RVR). States not in compliance with 20% RVR are fined % of block grant money by SAMHSA
- Uses minors ages 16-17 until (and unless) protocols change
- Signage, outreach, education/training, materials need to be updated
- Timeline for compliance: 3-5 year timeframe depending on pending guidance with potential monies for states to assist with compliance

U.S. Surgeon General Advisory Recommendations

- Include e-cigarettes in smoke-free indoor air policies
- Restrict young peoples' access to e-cigarettes in retail settings (e.g. Tobacco 21)
- License retailers
- Implement price policies (e.g. tax)
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NC Preemptive Language

§ 14-313. Youth access to tobacco products, tobacco-derived products, vapor products, and cigarette wrapping papers.

(e)no political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township, village, nor any department or agency thereof, may enact ordinances, rules or regulations concerning the sale, distribution, display or promotion of (i) tobacco products or cigarette wrapping papers on or after September 1, 1995, or (ii) tobacco-derived products or vapor products on or after August 1, 2013. This subsection does not apply to the regulation of vending machines, nor does it prohibit the Secretary of Revenue from adopting rules with respect to the administration of the tobacco products taxes levied under Article 2A of Chapter 105 of the General Statutes.

FDA Announcement—January 2, 2020

- FDA issued a policy on enforcement of flavored cartridge-based e-cigarette products, including fruit and mint flavors, that appeal to kids.
- Under this federal policy, companies that do not cease the manufacture, distribution and sale of unauthorized flavored cartridge-based e-cigarettes (other than tobacco or menthol flavors) within 30 days risk enforcement actions by FDA.
- The FDA plans to share more on the specific details of the policy and its implementation.

Questions

